

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PRIEST,

Plaintiff,

v.

BENTLEY, et al.,

Defendants.

No. 2: 21-cv-0058 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion to stay this action filed April 26, 2023. (ECF No. 91.) Defendants did not respond to this motion. For the reasons stated herein, plaintiff's motion to stay is denied.

On March 9, 2023, the undersigned recommended that defendants' supplemental summary judgment motion be granted. (ECF No. 83.) On March 29, 2023, the undersigned granted plaintiff's request for a thirty days extension of time to file objections to the March 9, 2023 findings and recommendations. (ECF No. 89.)

The pending motion alleges that plaintiff is recovering from major back surgery. (ECF No. 91.) The motion alleges that plaintiff was transferred to the Stockton Medical Facility because he cannot care for himself. (*Id.*) The motion alleges that plaintiff cannot sit up. (*Id.*) The motion requests a six month stay of this action while plaintiff recovers from the back surgery.

1 (Id.)


2 Plaintiff's motion is not signed by plaintiff. Instead, the motion states that it is
3 "respectfully submitted on behalf of David Priest." (Id.)

4 Federal Rule of Civil Procedure 11 requires that all pleadings must be signed by the party
5 if the party is unrepresented. Plaintiff's motion to stay does not comply with Rule 11 because it is
6 not signed by plaintiff. For this reason, plaintiff's motion to stay is denied. Plaintiff is granted a
7 thirty days extension of time to file objections to the March 9, 2023 findings and
8 recommendations.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion to stay (ECF No. 91) is denied;
- 11 2. Plaintiff is granted thirty days from the date of this order to file objections to the
12 March 9, 2023 findings and recommendations.

13 Dated: May 25, 2023

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE
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